

CERTIFIED TRUE COPY

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 6-23-95 cm

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

IN THE MATTER OF

STEVE Y. LEE, D.M.D.

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER

This matter came before the New Jersey State Board of Dentistry pursuant to the issuance of a Uniform Penalty Letter to the respondent for failing to notify the Board office in writing of a change of address from the address currently registered with the Board, within thirty (30) days following the change of address, in violation of the Board's regulations at N.J.A.C. 13:30-8.12.

The Uniform Penalty Letter offered the respondent three alternatives for resolving the matter: (1) acknowledge the violation and submit a civil penalty in the amount of \$200; (2) request a hearing on the matter before the Board; or (3) waive any right to a hearing and submit a written statement for the Board's final consideration. The Uniform Penalty Letter further advised the respondent that the alternative selected for resolving the matter had to be provided to the Board on a certification enclosed with the Uniform Penalty Letter within ten (10) days following receipt of the Letter. The respondent was further advised in the event no response was received by the Board within the prescribed time, the allegation would be deemed admitted and the Board would proceed to finally review the matter and enter an appropriate Final Order.

The respondent signed a certification indicating that "A hearing on this matter before the Board is requested". A certified letter, dated March 10, 1995, was sent to the respondent advising that a hearing had been scheduled for May 3, 1995 at 11:00 A.M. The Board has in its possession a signed return receipt for certified mail from the respondent evidencing receipt of the letter establishing the hearing date and time.

The respondent failed to appear on May 3, 1995 at the appointed time. The respondent failed to notify the Board office that he would not be in attendance.

A certified letter, dated May 4, 1995, was sent to the respondent advising him that the hearing he had requested had been re-scheduled for June 7, 1995 at 9:00 A.M. The letter stated "[t]his will be your last opportunity to appear before the Board regarding this matter and if you fail to appear, the Board will decide this matter in your absence". The Board has in its possession a signed return receipt from the respondent evidencing receipt of the letter re-scheduling the matter.

The respondent submitted a letter dated May 11, 1995 in which he states "I offer my sincere apology for failing to appear before the Board of Dentistry on May 3, 1995 and I thank you for your generous decision to reschedule this hearing. I regret to inform you that I will be unable to appear before the Board on the date of June 7, 1995 due to prior commitments that have been scheduled for many months". The respondent offered no explanation to the Board for his failure to appear on May 3, 1995.

A certified letter, dated May 15 1995, was forwarded to the respondent advising him that "pursuant to the Board's letter of May 4, 1995, this will be your last opportunity to appear before the Board in this matter and if you fail to appear, the Board will decide this matter in your absence." The Board has in its possession a signed return receipt from the respondent evidencing receipt of the letter.

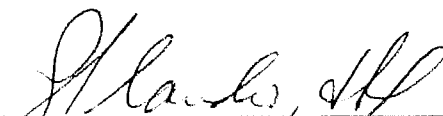
On June 7, 1995, the respondent failed to appear at the appointed time for a hearing on the matter before the Board. The Deputy Attorney General presenting the matter requested that the Board grant judgement, finding the respondent in default for failing to appear despite adequate notice and without good excuse. The Board granted the request.

The Board then proceeded to review the record in this matter as presented by the Deputy Attorney General and concluded that the allegation of the Uniform Penalty Letter that the respondent failed to notify the Board office of a change of address within thirty days of the change as required by the Board's regulations was proven and the Board finds good cause to enter the within Order.

THEREFORE, IT IS ON THIS 13th DAY OF June, 1995,
HEREBY ORDERED THAT:

1. The respondent shall be assessed a civil penalty in the amount of Two Hundred (\$200.00) Dollars. Said penalty shall be submitted to the Board of Dentistry by certified check or money order made payable to the State of New Jersey at 124 Halsey Street, P.O. Box 45005, Newark, New Jersey 07101, no later than the first day of the month following the entry date of this Order.

2. The respondent shall be assessed costs of the hearings scheduled for May 3, 1995 and June 7, 1995 in the amount of One Hundred Sixty Nine Dollars and Eighty Eight Cents (\$ 169.88). Said costs shall be submitted to the Board of Dentistry by certified check or money order made payable to the State of New Jersey at 124 Halsey Street, P.O. Box 45005, Newark, New Jersey 07101, no later than the first day of the month following the entry date of this Order.



STEPHEN CANDIO, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY

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STEPHEN CANDIO, D.D.S.
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